

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-2805

United States of America,

Appellee,

v.

Gerardo Vasquez-Rodriguez, also
known as Raul Gonzales Munoz,
also known as Jose R. Gerero, also
known as Raul Acosta-Munoz,

Appellant.

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Appeal from the United States
District Court for the District
of Minnesota.

[UNPUBLISHED]

Submitted: April 6, 2001

Filed: April 12, 2001

Before LOKEN, HANSEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Gerardo Vasquez-Rodriguez, a Mexican citizen, appeals the sentence of 66 months imprisonment and 3 years supervised release imposed on him by the district court¹ after he pleaded guilty to illegal reentry following deportation, in violation of

¹The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota.

8 U.S.C. § 1326(b)(2). On appeal, counsel moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), filing a brief in which she argued that the court erred by not granting a more substantial downward departure.

We conclude Mr. Vasquez-Rodriguez's sentence is unreviewable. See United States v. Arps, 197 F.3d 1202, 1203 (8th Cir. 1999) (per curiam) (challenge to extent of downward departure is unreviewable); United States v. Nguyen, 46 F.3d 781, 783 (8th Cir. 1995) (defendant who explicitly and voluntarily exposes himself to specific sentence may not challenge that punishment on appeal); United States v. Dutcher, 8 F.3d 11, 12 (8th Cir. 1993) (extent of downward departure is unreviewable, regardless of court's reasons for refraining from departing further).

Having reviewed the record independently pursuant to Penon v. Ohio, 488 U.S. 75 (1988), we have found no non-frivolous issues for appeal.

Accordingly, we grant counsel's motion to withdraw and we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT